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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,183	05/14/2001	Ron J. Vandergeest	10500.00.8172	8194

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VEDDER PRICE P.C.  
222 N. LASALLE STREET  
CHICAGO, IL 60601

EXAMINER
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TRUVAN, LEYNNA THANH

ART UNIT	PAPER NUMBER
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2435

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/855,183	<b>Applicant(s)</b> VANDERGEEST ET AL.	
	<b>Examiner</b> Leynna T. Truvan	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10-15 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-5 and 8-15 are pending.  
Claims 6-7 and 16-17 are cancelled.
2. Claims 8-9 remains rejected.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/09 has been entered.

***Allowable Subject Matter***

3. Claims 1-5 and 10-15 are allowed over art.

***Response to Arguments***

4. Applicant's arguments filed 9/23/08 have been fully considered but they are not persuasive.

Schmitz's invention discloses the authorization computer verifying the TAN that is transmitted again (returned) by the data input apparatus (1st unit) even though TAN

was given to the receiver (interm. Unit) by the authorization computer (col.3, lines 30-33 and col.7, lines 5-15). It is not an actual user entering or doing interactions to cause and affect the code to be executed but rather the code was transmitted via a computer device (col.4, lines 1-5 and col.7, lines 61-64). Schmitz's invention discloses the authorization computer verifying the TAN that is transmitted again (returned) by the data input apparatus (1st unit) even though TAN was given to the receiver (interm. Unit) by the authorization computer (col.3, lines 30-33 and col.7, lines 5-15). This obviously suggests that the authorization computer did not send the TAN to the data input apparatus but yet it is the data input apparatus that is returning the TAN to the authorization computer. Thus, reads on the claimed in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning by the first unit, the authentication code to the authentication unit. Thus, the authorization code (TAN) is returned which obviously is transparent to a user Therefore, Schmitz reads on the claimed invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (US 6,078,908).**

**As per claim 8:**

Schmitz discloses a method for providing user authentication comprising:

sending, by a first unit, user identification data to the authentication unit; **[col.2, lines 58-62 and col.6, lines 58-63; data input apparatus as the 1<sup>st</sup> unit]**

receiving, by the first unit **[col.4, lines 1-5 and col.7, lines 61-64; Schmitz discloses the TAN is transmitted and displayed on the monitor]**, a re-transmitted authentication code, from an intermediate destination unit **[col.2, lines 26-28 and col.7, lines 61-64]**, that was previously sent by an authentication unit to an intermediate destination unit; and **[col.3, lines 1-2 and col.6, line 67 – col.7, line 3; receiver or monitor as the interm. unit.]**

In response to receiving the re-transmitted authentication code from the intermediate destination unit, returning by the first unit and transparent to a user, the authentication code to the authentication unit. **[col.3, lines 29-42 and col.7, lines 5-15; obviously is transparent to a user since the user is not entering the TAN (code) onto the monitor but rather was returned by the first unit which is transmitted to the monitor]**

Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, the data input apparatus is the first unit (col.4, lines 1-2), and the transaction authorization number TAN (TAN) refers to claimed authentication code (col.6, lines 57-59). The claimed re-transmitted authentication code can broadly be interpreted as the same authorization code being transmitted to different units. Accordingly, Schmitz reads on the re-transmitted authentication code since it is the same authorization number TAN being transmitted to the receiver (intermediate unit) by the authorizing computer (authentication unit) is also transmitted to the data input apparatus (1<sup>st</sup> unit) by the

receiver (col.1, lines 45-63 and col.6, line 58 – col.7, line 4). Schmitz's invention discloses the authorization computer verifying the TAN that is transmitted again (returned) by the data input apparatus (1st unit) even though TAN was given to the receiver (interm. Unit) by the authorization computer (col.3, lines 30-33 and col.7, lines 5-15). This obviously suggests that the authorization computer did not send the TAN to the data input apparatus but yet it is the data input apparatus that is returning the TAN to the authorization computer. Thus, reads on the claimed in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning by the first unit, the authentication code to the authentication unit. Schmitz's motivation is for the authorization computer to check and verify the congruence and agreement between all valid transaction TANs previously given out by the authorizing computer and that the authorization computer allows a release of the data flow between the data input apparatus and receiver unit after this checking of the authorization (col.3, lines 36-42). Therefore, establish a connection between the data input apparatus and the receiver unit upon valid verification (col.7, lines 5-15).

Therefore, it would have been obvious for a person of ordinary skills in the art for Schmitz to return by the first unit the re-transmitted authentication code to the authentication unit because to establish a connection between the data input apparatus and the receiver unit by verifying the congruence and agreement between all valid transaction TANs previously given out by the authorizing computer and that the authorization computer allows a release of the data flow between the data input

apparatus and receiver unit after this checking of the authorization (col.3, lines 36-42 col.7, lines 5-15)

**As per claim 9:** See Schmitz on col.1, lines 45-62 and col.6, line 67 – col.7, line 3 and 38-42; discusses the step of controlling a short range receiver of the first unit to receive the re-transmitted authentication code in response to receiving notification from the authentication unit and wherein returning the authentication code to the authentication unit includes returning the authentication code in a way that is transparent to the user of the first unit.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./  
Examiner, Art Unit 2435  
/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435